

## **REMARKS/ARGUMENTS**

Reconsideration of the application is respectfully requested.

### **I. Claims Rejected Under 35 U.S.C § 102(b)**

Examiner rejects claims 8, 11, 13, 14, 16, 20, 22, 24 and 28 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,507,030 issued to Sites (“Sites”). To anticipate a claim, Examiner must show that the cited reference teaches each element of a claim.

In Sites, CISC instructions are translated to RISC instructions (Sites, column 6, lines 7-11). Specifically, Sites concerns “a translator for translating programs for the CISC computer 20 of FIG. 1 to programs for the RISC computer 50 of FIG. 6” (Sites, Column 13, lines 3-18). Based on the disclosure of Sites, Examiner equates the RISC instructions in Sites with Applicants’ claimed *microarchitecture implementation-specific instructions*, and the calls to CISC instructions in Sites with Applicants’ claimed *ISA format boundary markers* (Office Action mailed October 5, 2006 (“OA”), p.2, ¶4).

However, Sites does not teach or suggest a compiled code that includes “a discrete regions of microarchitecture implementation-specific code bounded by ISA format markers and b) macroinstructions outside the ISA format boundary markers” of claim 8, or “both the ISA format instructions and the microarchitecture implementation-specific format instructions are within a same sequence of instructions when supplied by the fetch unit” of claims 11 and 20, or “the second code further comprising microinstructions and macroinstructions” of claims 14, 22 and 28. All of these amended claims recite code that includes both microinstructions and macroinstructions, which Sites neither discloses nor teaches. Instead, Sites teaches a translation mechanism that converts CISC instructions into RISC instructions (Sites, column 13, lines 3-5) without referring to an intermediate code that includes both microinstructions and macroinstructions in the same code sequence. As a result, Sites fails to teach every element of base claims 8, 11, 14, 20, 22 and 28. Accordingly, Applicants respectfully request reconsideration and withdrawal of the § 102(b) rejection of base claims 8, 11, 14, 20, 22 and 28.

Regarding claim 13, 16 and 24, these claims depend from base claims 11, 14 and 22, respectively, and are submitted as not being anticipated or obvious for at least the reasons given above in support of their base claims.

## **II. Claims Rejected Under 35 U.S.C § 103(a)**

Examiner rejects claims 15 (now canceled), 23 and 29 under 35 U.S.C. § 103(a) as being unpatentable over Sites in view of U.S. Patent No. 5,222,244 issued to Carbine et al. ("Carbine"). To establish a *prima facie* case of obviousness, the Examiner must show the cited references, combined, teach or suggest each of the elements of a claim. These claims depend from base Claims 14, 22 and 28, respectively, and are submitted as not being anticipated or obvious for at least the reasons given above in support of their base claims.

Furthermore, Carbine does not teach the above-argued limitations that are missing in Sites. Examiner has not relied upon and Applicants have been unable to discern any part of Carbine that teaches or suggests "the second code further comprising microinstructions and macroinstructions." Thus, Sites in view of Carbine does not teach or suggest each and every element of claims 15, 23 and 29. Consequently, Applicants respectfully request reconsideration and withdrawal of the § 103 (a) rejections of claims 15, 23 and 29.

## **III. Allowable Subject Matter**

Applicants note with appreciation that Examiner has allowed claims 1-7, 17-19 and 25-27. Further, Applicants note with appreciation Examiner's assertion that Claims 9 and 10 would be allowable if rewritten in independent form.


### CONCLUSION

In view of the foregoing, the Applicants believe that all claims are now in condition for allowance and the Applicants earnestly solicit such action at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

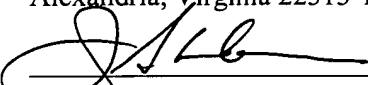
Dated: December 28, 2006

  
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### **CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail with sufficient postage in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on December 29, 2006.

  
Jean Svoboda